

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 24, 25, and 27 are indicated to be directed to allowable subject matter. Claim 24 has been amended to include base claim 22 and intermediate claim 23. Allowance of claims 24, 25, and 27 is solicited.

Claim 22 has been amended to include claim 26 and further that the circular wall 27 protrudes from the lower surface of the lower lateral wing 21, perpendicularly thereto. New claims based on prior dependent claims are also added. No new matter is entered by way of this amendment.

Attached are certified copies of the French filings Nos. FR 04 03413, FR 04 00747 and FR 03 07776 which priorities were claimed for the PCT application from which the present US national stage patent application derives.

Rejections Under 35 USC 112

The Official Action rejected claims 22-30 under section 112, second paragraph, as being indefinite with functional or operational language. The claims have been amended to remedy the stated basis of rejection. The undersigned attorney appreciates the identification of issues and suggested remedies. Withdrawal of the rejection is solicited.

Rejections Under 35 USC 102, 103

Claims 22, 23, and 26 stand rejected as anticipated by Taylor 6,267,765.

Claims 28-30 stand rejected as obvious over Taylor in view of Hollister 5,549,690.

A review may prove helpful.

The application discloses two embodiments.

A first embodiment is shown by figures 1 to 7 where the proximal stud 5 is movable with respect to the anchoring base 6 in a range of motion close to the neutral position of figure 2-3, and, as from the position of figure 4 and to the position of figure 5, is damped by the circular wall 27; the connecting part 3 bears on the collar 12 in such a way that the wall 27 only rests on the wall 17 by a very small surface. Claim 22 now recites this arrangement.

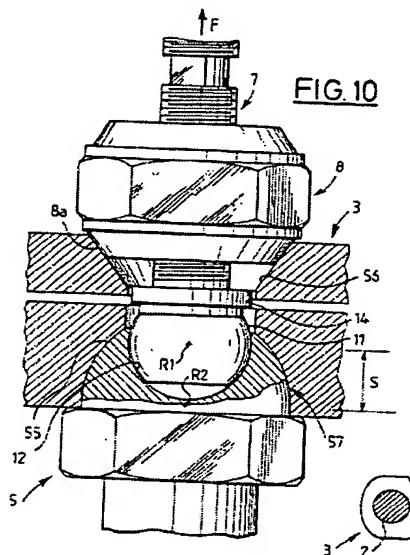
A second embodiment is shown by figures 8 and 9 with an elastic washer 31 and a screwable metallic washer 32, this elastic washer 31 being clamped by said washer 32 between this washer 32 and a collar 18 to permanently damp the movement of the stud 5. Claim 24 recites the deformable part 31 and the washer 32 as illustrated by figure 9.

Claim 22 has been amended to better recite the embodiment of figures 1-7. No new matter is entered by way of this amendment.

The rejection

In the Official Action, the Examiner asserts that Taylor discloses a collar (5) and a circular wall (55) as recited in the claim 22.

In Taylor, once the nut 8 is tightened, the connecting part 3 is pressed against the curved wall 57 by a large surface and its distal wing is in the vicinity of the hexagonal head 15, so there is no possibility of movement of the proximal stud:



In Taylor, the stud 5 and connecting part do not move after tightening the nut 8.

In the device according to the present patent application, to allow the stud to move with respect to the base portion after tightening the clamping part 4, it is provided (i) that the circular wall 27 of the lower lateral wing of the connecting part 3 is spaced apart, at a distance, from the collar 18 and (ii) that the wall 27 of the connecting part 3 only

rests on the wall 17 by a very small surface. This is achieved by the collar 12 and the cavity 26.

This structure is neither taught nor suggested by the prior art.

Reconsideration and allowance of claim 22 and its dependent claims are respectfully requested.

This amendment is believed to be fully responsive and to put the case in condition for allowance. An early and favorable action on the merits is earnestly requested.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

- certified copies of the French filings Nos. FR 04 03413, FR 04 00747 and FR 03 07776 which priorities were claimed for the PCT application from which the present US national stage patent application derives